IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20782 of 2004

Between:

E.Srinivasulu Reddy, S/o Dasaradharami Reddy,
R/o Muthukur Village & Post, Muthukur Mandal, Nellore District

..... PETITIONER

AND

1 The Mandal Revenue Officer, Muthukur Mandal, Muthukur,
Nellore District
2 V.A.O.'s Association rep.by its Secretary, Muthukur,
Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly in the nature of Writ of Mandamus directing the 1st respondent herein not to evict the Petitioner from the premises of 2nd respondent Association premises without following the terms and conditions of written lease agreement dated 12-1-2000 executed by the 2nd respondent herein in favour of the Petitioner herein.

Counsel for the Petitioner:MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

Petitioner claims to have obtained land to an extent of 120 Sq.Yds. on lease from the second respondent-Association on 12.1.2000, which is adjacent to its building, for a period of 10 years, which is valid till 11.4.2007 and has been running a S.T.D. booth therein. It is stated that the Government through G.O.Ms.No.14, Revenue (VO) Department, dated 15.1.2002 rescinded the Village Administrative Officers' institution and in the process the first respondent has taken all the properties owned by the second respondent association. It is alleged that under the guise of the said G.O., the first respondent, without issuing any notice and contrary to the terms and conditions of the lease entered into between the petitioner and the second respondent, which is valid upto 11.4.2007, is trying to evict the petitioner from the property in question.

In view of the fact that the very lease is for more than one year and has not been registered, the petitioner cannot claim that he can continue till the expiry of the lease period and at the most it is a lease from month to month. In view of the same, the first respondent has to follow the due procedure for eviction of the petitioner from the land in question.

The writ petition is accordingly disposed of. No costs.

A. GOPAL REDDY. J.

11th November, 2004

tsr.

To

1 The Mandal Revenue Officer, Muthukur Mandal, Muthukur,
Nellore District
2 V.A.O.'s Association rep.by its Secretary, Muthukur,
Nellore District

3. Two C.C.s to Government Pleader for Revenue, High Court Buildings,
Hyderabad.(OUT)

4. Two C.D. copies.